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**Commission on Narcotic Drugs**
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Item 5 of the provisional agenda*
**Implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem: follow-up to the high-level review by the Commission on Narcotic Drugs, in view of the special session of the General Assembly on the world drug problem to be held in 2016**

**United States of America: draft resolution**

## Supporting public health and justice system collaboration in providing alternative sentences for drug-involved offenders

*The Commission on Narcotic Drugs*,

*Recalling* General Assembly resolution 69/192 and Economic and Social Council resolution 2013/35, in which the Assembly and the Council recommended that Member States should continue to endeavour to reduce prison overcrowding and pretrial detention, where appropriate, and support rehabilitation and reintegration programmes, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[1]

*Reaffirming* that providing for effective alternatives to imprisonment, in policy and practice, is a viable long-term solution to prison overcrowding,

*Recognizing* that reducing prison overcrowding is necessary to ensure that criminal justice systems are humane, and also cost-effective,

*Recalling* the principle that it is the responsibility of States to define crimes and determine appropriate punishment,

*Aware* that substance use disorders are chronic diseases that should be treated as medical conditions,

* E/CN.7/2015/1.

[1] General Assembly resolution 45/110, annex.

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*Aware also* that many persons who come into contact with the criminal justice system are affected by substance use disorders, but are not receiving care or treatment,

*Noting* that properly implemented evidence-based interventions and drug treatment for such individuals can facilitate their recovery from substance use disorders, reduce the likelihood of future illegal activities and promote both cost-effective and humane utilization of the criminal justice system and optimal health and rehabilitation outcomes,

*Noting also* that, under the Single Convention on Narcotic Drugs of 1961,[2] the Convention on Psychotropic Substances of 1971[3] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[4] Member States are afforded a number of possible responses to drug offences committed by abusers, including measures such as treatment, education, rehabilitation or social reintegration as alternatives to conviction or punishment,

*Recalling* that the Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem states that Member States should, working within their legal frameworks and in compliance with applicable international law, consider allowing the full implementation of drug dependence treatment and care options for offenders, in particular, when appropriate, providing treatment as an alternative to incarceration,

*Noting* worldwide efforts to reduce prison overcrowding in order to more fully respect human rights, including the adoption by the Organization of American States, at its forty-sixth special session, of a resolution in which it encouraged Member States to promote alternatives to incarceration with a view to achieving the rehabilitation and reintegration into society of incarcerated persons, deterring crime, ensuring the well-being of individuals and communities and reducing overcrowding in prisons, with full respect for human rights,

*Noting also* that some Member States authorize an increasing range of public health services for those affected by substance use disorders as part of a comprehensive rehabilitative programme implemented through components of the justice system, such as screening for substance use disorders, access to treatment, including medication-assisted treatment, counselling services and other behavioural health services, overdose prevention, the use of naloxone, recovery support services, HIV-AIDS treatment and mental health treatment,

*Noting further* that some Member States have combined the provision of public health services with alternative sanctions,[5] such as reduced or suspended sentences, home detention, community service, fines, victim restitution, random drug testing or tracking via the Global Positioning System, in order to develop an effective combination of limited sanctions and treatment that may result in more effective crime reduction, better health outcomes and lower costs to the State,

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[2] United Nations, *Treaty Series*, vol. 520, No. 7515, art. 36, para. (1) (b), and art. 38.

[3] Ibid., vol. 1019, No. 14956, art. 20 and art. 22, para. (1) (b).

[4] Ibid., vol. 1582, No. 27627, art. 3, para. (4) (c) and (d).

[5] See United Nations Office on Drugs and Crime, *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*, Criminal Justice Handbook Series (United Nations, New York, 2007).

*Mindful* that Member States can improve health and safety outcomes for individuals and society when public health agencies and justice systems work together to address illegal activity associated with substance use disorders,

*Mindful also* that justice and health authorities in Member States may desire to build capacity to provide evidence-based public health services, such as behavioural and medication-assisted drug treatment, and recovery support services, in order to effectively implement alternative sentencing measures,

*Welcoming* the ongoing work of the United Nations Office on Drugs and Crime in promoting evidence-based sentencing reforms, drug treatment and recovery support services,

1. *Calls upon* Member States to renew their efforts to reduce prison overcrowding, paying particular attention to reducing the prison population of minor drug offenders by offering alternatives to incarceration, in appropriate cases;

2. *Encourages* Member States to develop or adopt alternatives to incarceration initiatives that promote the rehabilitation and reintegration into society of persons affected by substance use disorders who have committed criminal acts;

3. *Also encourages* Member States to collect information and outcome data on collaborations between the justice system and public health authorities in the use of alternative sentencing initiatives and to share this information and data with other countries and multilateral organizations;

4. *Encourages* health and justice ministries to establish both formal and informal mechanisms to promote effective collaboration, regular communication and periodic exchange of information on the implementation of alternative sentencing initiatives and their effect on reducing crime and the use of illegal drugs;

5. *Encourages* Member States and regional groups to promote exchanges of research and best practices related to justice and health sector collaboration and use of reduced and alternative sentencing initiatives as a means to reduce criminal activity, reduce costs to the State and improve public health;

6. *Also encourages* Member States to provide training to justice system officials on substance use disorders as chronic medical diseases and the effectiveness of evidence-based treatment in order to promote humane and effective treatment of offenders affected by substance use disorders;

7. *Invites* Member States and multilateral organizations to provide technical assistance and training related to expanding and improving justice and public health collaboration for effective implementation of initiatives that may include alternative and reduced sentences;

8. *Recommends* that Member States review their drug sentencing practices with a view towards authorizing justice system and public health collaborations to develop and implement initiatives that utilize alternatives to incarceration, as well as reduced or suspended sentences, for minor, non-violent offenders affected by substance use disorders;

9. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

10. *Invites* the Executive Director to include progress towards implementing the present resolution in his report to the Commission at its sixtieth session.